REMARKS

This is responsive to an Office Action mailed on May 27, 2009. The Office Action rejected claims 1-9, 11-23, 25 and 27-34. Applicant has amended claims 1, 15 and 29. Support for the amended claim language can be found at least page 32, line 18 – page 34, line 2 and Appendix B page 115, line 30 - page 116, line 13 The application currently includes claims 1-9, 11-23, 25 and 27-34.

The Office Action rejected independent claim 1 as being obvious over the combination of Albayrak et al., U.S. Patent No. 6,662,163, in view of White, U.S. Patent No.6,785,653. Applicant respectfully traverses this rejection. An element of independent claim 1 includes a set of controls comprising voice activated controls and visual controls that are configured to use on a server remote from the client for defining a dialog in an authoring page for a website and using the dynamically generated client side mark up in accordance with the dialog including both audio prompts and visual prompts. Claim 1 also includes a module that generates a visual client side markup and a second module for use on the client where the client side markup creates audio and visual dialog as a function of which controls are activated.

There is no disclosure of controlling both audio and visual components of a dialog using audio and visual prompts as well as generating visual client side markup as well as audio and visual dialog. Rather, the Albayrak patent relates to an interactive voice response system including a server in a set of mobile clients where each mobile client includes a microphone, a speaker or headset, a processor and a voice browser. See, for example, the Abstract of the Albayrak patent. There is no disclosure or suggestion in the Albayrak patent of providing visual markup along with audio in the dialog. Rather, the disclosure of the Albayrak patent simply discloses an audio dialog.

The same holds true for the White patent which relates to a distributive voice web architecture and associated components and method. There is no disclosure of including both voice activated controls and visual controls or providing client markup with the dialog that includes both audio and visual prompts. Further, there is no disclosure of a module that generates audio and visual client side markup based on the dialog. Finally, there is no disclosure

of a module configured for use on the client that creates audio and visual dialog as a function which controls are activated. Again, the White patent merely relates to a speech enabled distributed processing system forming a voice web including one or more content sites in a network. See, for example, the Abstract.

As such, Applicant respectfully submits that claim 1 is in allowable form over the cited art. Reconsideration and allowance of claim 1 are respectfully requested.

The Office Action also rejected independent claim 15 as being obvious over the combination of the Albayrak patent in view of the White patent. Amended claim 15 traverses this rejection.

Claim 15 has been amended to recite "and wherein at least some of the controls have a second attribute indicative of a hierarchal relationship of when controls are activated". Support for this language is found in the discussion pertaining to SpeechIndex in the specification and Appendix B. Neither the Albayrak patent nor the White patent disclose a mechanism as to how the controls are activated in this manner. Rather both references disclose that a dialog is created and are silent as to the activation mechanisms for the controls. Therefore, Applicant respectfully submits that claim 15 is also in allowable form.

Claim 29 has been amended to recite "wherein creating the dialog on the client includes executing the client side markup for activated controls in a loop manner until a form having a plurality of values to be obtained from a user is complete, and wherein execution of the dialog includes activation being based on values obtained from the user during execution of the dialog". Support for this language is found in the specification at least at page 52, lines 21-32. Again, neither the Albayrak patent nor the White patent disclose execution of the dialog and activation in this manner. As such, independent claim 29 is believed to be in allowable form.

It is respectfully believed that each of the independent clams provide features that are not disclosed, suggested or rendered obvious. Reconsideration and allowance of claims 1, 15 and 29 are respectfully requested.

The Office Action also rejected each of the dependent claims. Applicant respectfully submits that dependent claims 2-9, 11-14, 16-23, 25, 27, 28 and 30-34 are allowable at least due to

the fact that these dependent claims further define the already allowable subject matter of independent claims 1, 15 and 29. Therefore, at least due to their dependency upon independent claims 1, 15 and 29, Applicant respectfully submits that dependent claims 2-9, 11-14, 16-23, 25, 27, 28 and 30-34 are also in allowable form. Reconsideration and allowance of claims 2-9, 11-14, 16-23, 25, 27, 28 and 30-34 are respectfully requested.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which applicant's attorney chooses to mention at this time. For the foregoing reasons, applicant reserves the right to submit additional evidence showing the distinction between applicant's invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

For the foregoing reasons, Applicant submits that the present application is in allowable form. Allowance of the present application is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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